

EXHIBIT 46

(EXHIBIT FILED UNDER SEAL)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

--oOo--

IN RE: DA VINCI SURGICAL ROBOT
ANTITRUST LITIGATION,

Case No.

THIS DOCUMENT RELATES TO:
ALL CASES

3:21-cv-03825-VC

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff,

vs.

Case No.

3:21-cv-03496-VC

INTUITIVE SURGICAL, INC.,
Defendant.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEO-RECORDED DEPOSITION OF DISHA PESWANI

VERITEXT VIRTUAL

THURSDAY, OCTOBER 6, 2022

Reported by:

Anrae Wimberley, CSR No. 7778

Job No. 5507105

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BY MR. GLUBIAK:

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Q. If you turn to Tab 6, Ms. Peswani, 6.

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(Deposition Exhibit 006 was marked.)

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9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] 7

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED]

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23 [REDACTED] [REDACTED]

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Q. I would like to direct you back to Tab 5,
please.

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MS. CAHOY: Counsel, are you close to done with
this line of questioning? I think we've been going
about an hour and a half.

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MR. GLUBIAK: Yes. This is the last document I
have in this line of questioning.

18

19

Although, Ms. Peswani, if you would like
to break now, that's also fine.

20

THE WITNESS: Yes, that would be great.

21

MS. CAHOY: Do you want to break?

22

THE WITNESS: Yeah.

23

MS. CAHOY: Okay. Can we break?

24

MR. GLUBIAK: Sure.

25

THE VIDEOGRAPHER: The time is now 11:55. This

1 concludes Media Unit 2.

2 (Lunch recess was taken at 11:55 a.m.)

3 AFTERNOON SESSION 12:49 P.M.

4 - - -

5 THE VIDEOGRAPHER: The time is now 12:49. This
6 begins Media Unit 3.

7 EXAMINATION RESUMED

8 BY MR. GLUBIAK:

9 Q. Good afternoon, Ms. Peswani. Can you hear
10 me okay?

11 A. Yeah, I hear you okay.

12 Q. Fingers crossed that technology
13 cooperates.

14 Would you please turn to Tab 5.

15 MR. GLUBIAK: And we'll share it on AgileLaw
16 now.

17 (Deposition Exhibit 007 was marked.)

18 MR. GLUBIAK: Yes, I'm referring to the
19 hard-copy binders that Ms. Peswani has.

20 BY MR. GLUBIAK:

21 Q. Ms. Peswani, do you recognize --

22 MS. CAHOY: Counsel, before you start, just to
23 be clear, you're marking -- what we see as Tab 5 is
24 going to be Exhibit 7?

25 MR. GLUBIAK: That's correct, yes.

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript () was (X) was not requested.

16 I further certify that I am neither
17 financially interested in the action nor a relative
18 or employee of any attorney of any party to this
19 action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name.

22 Dated: October 17, 2022

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ANRAE WIMBERLEY, CSR No. 7778